

8656. Adulteration and misbranding of olive oil. U. S. * * * v. 193 Cases, Gallon Cans, 225 Cases, Half-gallon Cans, 81 Cases, Quart Cans, and 51 Cases, Pint Cans, of Olive Oil. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11022. I. S. No. 2914-r. S. No. W-443.)

On September 24, 1919, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 193 cases, gallon cans, 225 cases, half-gallon cans, 81 cases, quart cans, and 51 cases, pint cans, of olive oil, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Strohmeyer & Arpe Co., New York, N. Y., June 27, 1919, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Olio D'Oliiva Purissimo Garantito Marca Re Umberto I?" (picture of King of Italy) "* * * S. M. Umberto I Re D'Italia Re Umberto I? Brand * * *."

Adulteration of the article was alleged in the libel for the reason that Spanish oil had been substituted wholly or in part for Italian oil.

Misbranding was alleged in substance for the reason that the statements aforesaid were false and misleading and deceived and misled the purchaser into the belief that the product was Italian olive oil, when, in truth and in fact, it was not Italian olive oil, but was Spanish olive oil.

On September 24, 1919, the Strohmeyer & Arpe Co., New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$16,500, in conformity with section 10 of the act, conditioned in part that the product be relabeled by stamping on each can in conspicuous type the legend "Product of Spain."

E. D. BALL, *Acting Secretary of Agriculture.*

8657. Misbranding of Gray's Ointment. U. S. * * * v. 23 Dozen, 35 Dozen, and 21 Dozen Boxes of Gray's Ointment. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 11087, 11088, 11089. I. S. Nos. 17256-r, 17255-r. S. Nos. E-1667, E-1668.)

On or about August 20, 1919, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 23 dozen, 35 dozen, and 21 dozen boxes of Gray's Ointment, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped on or about November 5, 1918, and May 5, 1919, by W. F. Gray & Co., Nashville, Tenn., and transported from the State of Tennessee into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was composed essentially of lead salts, linseed oil, beeswax, and turpentine.

Misbranding of the article was alleged in substance in the libels for the reason that the circular accompanying the article bore certain statements, regarding the curative and therapeutic effect thereof, to wit, "Gray's * * * Ointment * * * For the relief of Mercurial and other Ulcers of long or short standing; * * * Scrofulous and other Tumors, including White Swellings, Sore Legs, * * * Old or Fresh Wounds, Gunshot Wounds, * * * Swellings and inflammations of all kinds; Rheumatic and other Pains; Scalds and

Burns * * * Tetter on the head or any other part of the body; * * * Carbuncles, Cancerous Affections, Gangrene, Eruptions of all kinds * * * Dog, Snake, Spider, and other Poisonous Bites; Broken Breasts, Sore Nipples, * * * Weak Loins, Limbs, Muscles, Injured Spine; Sore Eyes, Swellings of all kinds; * * * sore throat * * * in pleurisy and pneumonia, it is unequalled; * * * Wind Galls, Sore Back, Cracked Heel, Fistula, and in fact almost every other External disease that afflicts man or brute. * * * For an Ulcer, Tumor or Eruption * * * In early stages of Inflammatory Rheumatism and Soreness about the Breast * * *," which were false and fraudulent in that the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On October 15, 1919, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

8658. Misbranding of cottonseed cake. U. S. * * * v. New Roads Oil Mill & Mfg. Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 12358. I. S. No. 12050-r.)

On or about August 30, 1920, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the New Roads Oil Mill & Mfg. Co., a corporation, New Roads, La., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 24, 1919, from the State of Louisiana into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part, "Chic-Homa Quality Cotton Seed Meal or Cake."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 33.58 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein, Not less than 41%," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that said article contained not less than 41 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article contained not less than 41 per cent of protein, whereas, in truth and in fact, it contained less than 41 per cent of protein.

On August 30, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

E. D. BALL, *Acting Secretary of Agriculture.*

8659. Misbranding of Stillwagon's Medicated Stock Food and Stillwagon's Poultry Food. U. S. * * * v. 20 Packages, 30-Cent Size, and 11 Packages, 60-Cent Size, of Stillwagon's Medicated Stock Food, and 18 Packages, 30-Cent Size, and 8 Packages, 60-Cent Size, of Stillwagon's Poultry Food. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12511. I. S. Nos. 9030-r, 9031-r. S. No. C-1832.)

On March 16, 1920, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 packages, 30-cent size, and 11 packages, 60-cent size, of Stillwagon's Medicated Stock Food, and 18 packages, 30-cent size, and 8 packages, 60-cent size, of Stillwagon's Poultry Food, remaining in the packages at Decatur, Ill., alleging that the article had been shipped by the Stillwagon